



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2007 Assembly Bill 118

**Assembly Substitute
Amendment 1 and Assembly
Amendments 1, 2, and 3 to the
Substitute Amendment**

Memo published: January 22, 2008

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The *current statutes* provide for the creation of drainage districts to provide drainage for agricultural land. The management of each drainage district within a county is provided by the drainage board for that county.

Assembly Bill 118 creates several new provisions regarding information about local land use decisions that may affect drainage districts and the information provided to purchasers of property within drainage districts.

Assembly Substitute Amendment 1 adds a number of similar provisions in addition to those in the bill. The substitute amendment includes the following provisions:

- Each local governmental unit that creates new zoning or amends current zoning must notify the drainage board if any drainage district is affected by the zoning decision. This notice applies to residential, commercial, or industrial property that either is located within the drainage district or may increase the amount of water in the main drain. The drainage board secretary must include the subject of the local government's zoning meeting in the agenda of the next drainage board meeting, which must be held within 10 days. The drainage board may request the local government's hearing on zoning to be delayed for 90 business days so that the drainage board can obtain an engineering analysis of the affect of the proposed action on the drainage district. The drainage board may submit this analysis to the local governmental unit and may object to the zoning.
- The substitute amendment amends the comprehensive planning statute to require each comprehensive plan to consider objectives, goals, and possible joint planning and decision-making with drainage districts. This requirement first applies to comprehensive plans that are created or amended after the effective date of the legislation.

- The property tax bill issued by the clerk of the taxation district must indicate the amount of assessment issued by a drainage board, using information supplied to the clerk by the drainage board no later than December 1 in each year. If there is no assessment in any year, the property tax bill must indicate that.
- The Department of Agriculture, Trade and Consumer Protection (DATCP) is currently required to provide various kinds of assistance to drainage boards. The substitute amendment requires DATCP to prepare an educational pamphlet that describes drainage districts, costs that may be assessed, and information on contacting the state drainage engineer. Drainage boards may request copies of the pamphlet.
- The substitute amendment requires the drainage board, commencing in 2009, and every three years after that, to provide written notice to all owners of land within a drainage district informing them that the land is located in the drainage district.
- The substitute amendment requires the drainage board to provide annually to the state drainage engineer information on contacting every member of the drainage board. This information must also be provided to every clerk of the local governmental unit in which the drainage district is located.
- The substitute amendment requires the drainage board to file copies of its annual report with local units of government, and requires local units of government to consider the report before making any zoning or planning decisions that may affect a drainage district within its boundaries.
- The owner of real property located within a drainage district who sells that property must give written notice to the buyer that the land is in a drainage district and is subject to assessment. The notice must include a copy of the most recent property tax bill. The notice must be provided no later than 10 days after acceptance of the contract. A buyer may rescind the contract of sale upon receiving the notice after making the offer. If the buyer has written notice at the time the contract of sale was submitted to the owner that the property is located in a drainage district, the buyer may not rescind the contract.
- Each time the drainage board sends out an assessment, it must include a reminder of the requirement of notice to the buyer of land in the drainage district

Assembly Amendment 1 to Assembly Substitute Amendment 1

The substitute amendment requires the seller of land located in a drainage district to notify the buyer that the property is located in a drainage district. This requirement applies to all property. The amendment deletes these provisions and requires notice to buyers of land in a drainage district as part of the real estate condition report. This report applies only to residential property with four or fewer dwelling units.

Assembly Amendment 2 to Assembly Substitute Amendment 1)

The substitute amendment requires the drainage board to give the clerk of each taxation district information on assessments in drainage districts. The substitute amendment requires this information to be placed on the property tax bill. The amendment changes the deadline for submission of this information to the clerk of the taxation district from December 1 to November 1 of each year.

Assembly Amendment 3 to Assembly Substitute Amendment 1

The substitute amendment requires each local governmental unit to notify the drainage board of certain zoning decisions that may affect the drainage district. This will allow the drainage board to participate in zoning decision-making. By deleting the word “any,” the amendment suggests that minor zoning actions are not required to be reported to the drainage board. The amendment also deletes the requirement to give notice to the drainage board regarding zoning decisions that affect property that is located within the drainage district. The requirement continues to apply to property that may increase the amount of water in the district’s main drain.

Legislative History

Assembly Substitute Amendment 1 and the three amendments to it were offered by the Assembly Committee on Agriculture on January 10, 2007. The Assembly Committee on Agriculture recommended adoption of Assembly Amendments 1, 2, and 3 to Assembly Substitute Amendment 1, each by a vote of Ayes, 11; Noes, 0. The Assembly Committee on Agriculture, recommended adoption of Assembly Substitute Amendment 1 and passage of the bill, as amended, on January 10, 2007, each on a vote of Ayes, 10; Noes, 1.

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